

ARTICLE 1. ADMINISTRATION AND PROCEDURES

R20-2-101. Definitions

The definitions in A.R.S. §§ 41-2051, 41-2121, and 41-2131 and the following definitions apply to this Chapter:

1. "ADEQ" means the Arizona Department of Environmental Quality.
2. "Administrative order" means a DWM-53.
3. "Application" means, for purposes of R20-2-108, forms designated as applications and all documents and additional information the Department requires an applicant to submit with an application.
4. "ASTM" means American Society for Testing and Materials.
5. "CARB" means the California Air Resources Board.
6. "CARB certified" means, with respect to a vapor recovery system, that the system has been certified in an executive order of the CARB.
7. "Certified prover" means a calibrated device, traceable to the National Institute of Standards and Technology, used for measuring liquid volume.
8. "Completion of construction" means the point when a gasoline-dispensing site is placed into or returned into service following installation or modification of an approved vapor recovery system.
9. "Construction commenced" means the point in time when construction of a gasoline-dispensing site begins:
 - a. At a location where there was not 4 ONE previously;
 - b. To replace all gasoline storage tanks; or
 - c. To replace, repair, or modify at least 75% of the facility's gasoline-dispensing equipment.
10. "DWM-53" means a Department form that orders the stop- sale, stop-use, hold, or removal of commodities, devices, vapor recovery systems and components, and liquid fuels.
11. "EPA" means the United States Environmental Protection Agency.
12. "Gasoline vapors" means volatile organic compounds in a gaseous state.
13. "Handbook 44" means the United States Department of Commerce Technology Administration National Institute of Standards and Technology (NIST) Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices, Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328 (1999 edition), incorporated by reference and on file with the Department and the Secretary of State. The incorporation by reference contains no future editions or amendments.
14. "Handbook 130" means the United States Department of Commerce Technology Administration National Institute of Standards and Technology (NIST) Handbook 130, Uniform Laws and Regulations, Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328 (1999 edition), incorporated by reference and on file with the Department and the Secretary of State. This incorporation by reference contains no future editions or amendments.
15. "Handbook 133" means the United States Department of Commerce Technology Administration:

- a. National Bureau of Standards (NBS) Handbook 133, 3rd edition, entitled Checking the Net Contents of Packaged Goods, including supplements 1, 2, and 3 issued September 1988; and
 - b. National Institute of Standards and Technology (NIST) Handbook 133, 3rd edition, entitled Checking The Net Contents of Packaged Goods, including supplement 4 issued October 1994.
 - c. These publications are incorporated by reference, are on file with the Secretary of State, and are published by the Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.
- 16. "Hold order" means a Department administrative order requiring an owner, operator, distributor, manufacturer, licensee, or consignee to keep any commercial device, commodity, or liquid fuel, under its control and stored at its expense, pending further Department action, because it does not meet the requirements of A.R.S. Title 41, Chapter 15, or these rules.
 - 17. "Malfunction" means any failure of gasoline vapor recovery equipment to operate in the normal and usual manner.
 - 18. "Modification" means adding to, replacing, or upgrading a site's stage II vapor recovery system, but does not include the repair or replacement of like parts.
 - 19. "Monthly throughput" means the total amount of gasoline transferred into or dispensed from a gasoline-dispensing site during 1 calendar month.
 - 20. "Motor vehicle" means any vehicle equipped with a spark-ignited internal combustion engine, except vehicles that run on or are guided by rails, and vehicles that are designed primarily for travel through air or water.
 - 21. "NIST" means the National Institute of Standards and technology.
 - 22. "Off sale" means that a commodity has been removed from commercial sale.
 - 23. "Operator" means a person in control of, or having responsibility for, the daily operation of a gasoline-dispensing site.
 - 24. "Out-of-service tag" means a red rejection tag that signifies that a commercial device does not meet the requirements of A.R.S. Title 41, Chapter 15, or these rules, and that the owner or operator shall not use the device commercially until repaired.
 - 25. "Placed-in-service" means the certification by a registered service agency or representative that a commercial device may be used, unless the Department orders otherwise.
 - 26. "Placed-In-Service Report" means the form that a registered service representative completes and submits to the Department after placing a commercial device in service.
 - 27. "Product transfer document" means the bill of lading, loading ticket, manifest, delivery receipt, invoice, or other customarily used documentation to denote delivery information for motor fuel.
 - 28. "Removal order" means a Department administrative order requiring the owner, operator, distributor, manufacturer, licensee, or consignee to remove from use or sale, and dispose of a commercial device, commodity,

- liquid fuel, or vapor recovery component because it does not meet the requirements of A.R.S. Title 41, Chapter 15, or these rules.
29. "Retail" means the sale of a commodity to a consumer for profit by someone in the business of selling the commodity.
 30. "Seal of authority" means a stamp or press of the Department's official mark, issued to a public weighmaster, certifying the weighmaster's authority to issue weight certificates.
 31. "Seizure" means taking into physical possession, or otherwise securing for evidence, a commodity, liquid fuel, weight, measure, commercial device, or component of a device by the Department.
 32. "Stop-sale order" means a Department administrative order requiring the owner, operator, distributor, manufacturer, licensee, or consignee to stop selling a commodity or liquid fuel, because it does not meet the requirements of A.R.S. Title 41, Chapter 15, or these rules.
 33. "Stop-sale, stop-use tag" means a blue tag that signifies that an owner or operator shall not sell or use a commercial device, including a vapor recovery system component, commodity, or liquid fuel, because it does not meet the requirements of A.R.S. Title 41, Chapter 15, or these rules.
 34. "Stop-use order" means a Department administrative order requiring the owner, operator, distributor, manufacturer, licensee, or consignee to prohibit the use of any commercial device, commodity, liquid fuel, or vapor recovery system, including any of its components, until the weight, measure, fuel, or vapor recovery system complies with the requirements of A.R.S. Title 41, Chapter 15, and these rules.
 35. "Underground storage tank" means a tank as described in A.R.S. § 49-1001(18).
 36. "Unit" means a quantity adopted as a standard of measurement.
 37. "Unlicensed-device tag" means an orange tag that signifies that an owner or operator shall not use the commercial device until all licensing requirements of A.R.S. Title 41, Chapter 15, and these rules are met.
 38. "Warning tag" means a yellow tag that signifies a commercial device, VAPOR RECOVERY SYSTEM, COMPONENT OR VAPOR RECOVERY REQUIREMENT ~~does~~ HAS not ~~comply~~ MET with the requirements of A.R.S. Title 41, Chapter 15, or these rules, and the device, OR VAPOR RECOVERY SYSTEM may only be used within the period specified on the tag ~~for repair~~, but not thereafter unless the device OR VAPOR RECOVERY SYSTEM is in compliance with A.R.S. Title 41, Chapter 15, and these rules.
 39. "Weight certificate" means a document, issued by a public weighmaster in a form approved by the Department, that certifies the accuracy of the weight of the commodity measured.

R20-2-107. Administrative Enforcement Action Regarding Vapor Recovery Systems

A. Stop-Sale, Stop-Use Tag

1. ~~If the Department finds that~~ a vapor recovery system or any component fails to meet the requirements set forth in A.R.S. Title 41, Chapter 15, or these rules, the Department shall order the stop-sale, stop-use of the vapor recovery system by issuing a DWM-53 UNLESS THE TEST IS CONDUCTED WITHOUT BEING WITNESSED BY THE DEPARTMENT.
2. A stop-sale, stop-use tag may be affixed ~~by the Department~~ to a vapor recovery system.
 - a. ~~The Department shall attach the tag~~ SHALL BE ATTACHED ~~to~~ TO the non-compliant component OR ANY PART OF THE VAPOR RECOVERY SYSTEM in public view.
 - b. The tag shall contain the following information:
 - i. A notice that the vapor recovery system has been prohibited from use.
 - ii. The location and identification of the vapor recovery system.
 - iii. A notice that it is unlawful to remove the tag without Department authorization.
 - iv. A description of the violation.
 - v. The name of the ~~Department employee~~ PERSON who affixed the tag.
 - vi. The date.
3. A person shall not use a vapor recovery system issued a DWM-53 to dispense liquid fuel for commercial purposes.

B. Warning Tag.

1. ~~A The Department shall attach a~~ warning tag SHALL BE ATTACHED to a vapor recovery system or any of its components if the system or components:
 - a. Do not comply with the requirements of A.R.S. Title 41, Chapter 15, CARB certifications that apply to the system, or these rules; and
 - b. The use of the vapor recovery system will not harm the public; AND
 C.THE DEPARTMENT ORDERS THE TAG TO BE AFFIXED.
2. ~~The Department shall affix the tag~~ SHALL BE AFFIXED to the noncompliant component in public view.
3. The tag shall contain the following information:
 - a. Notice that the ~~Department has examined the system and the system~~ fails to comply with Title 41, Chapter 15, CARB certifications that apply to the system, or these rules;
 - b. The name of the business and location;
 - c. A notice that it is unlawful to remove the tag without Department authorization;
 - d. The date;
 - e. A notice of the time allowed for the repair; and
 - f. A notice that if the system is not repaired within the required time, the Department shall issue a stop-sale, stop-use tag.

ARTICLE 6. REGISTERED SERVICE AGENCIES AND REPRESENTATIVES

R20-2-601. Qualifications; License and Renewal Application Process; and Reciprocal Agreements

A. Registered Service Agency

1. The Department shall accept applications for licensure of an agency that provides evidence that:
 - a. The applicant's representatives have a thorough knowledge of all appropriate laws and this Chapter;
 - b. The applicant possesses the necessary CERTIFIED standards and testing equipment to service commercial devices, THE APPLICANT HAS THE NECESSARY CERTIFIED EQUIPMENT TO PROPERLY TEST A VAPOR RECOVERY SYSTEM OR VAPOR RECOVERY COMPONENTS or that the applicant has access to the necessary standards and testing equipment belonging to another registered service agency and has written approval from that agency to use its standards and testing equipment; and
 - c. It will operate in accordance with appropriate laws and this Chapter.
2. The Department may require an applicant to:
 - a. Submit evidence or references concerning qualifications; and
 - b. Have at least 1 of its representatives pass a competency examination, before issuing a license.
3. The application forms for registered service agencies may require the following information:
 - a. Name, address, telephone, and facsimile numbers;
 - b. Previous and current license information from other states;
 - c. Types of devices serviced, repaired, or installed;
 - d. A list of all of the applicant's devices AND TESTING EQUIPMENT with corresponding serial or identification numbers;
 - e. Branch office information;
 - f. Names of service representatives and their experience with other agencies or states;
 - g. License and disciplinary history; and
 - h. Signatures of the applicant's agent or its representatives.

B. Registered Service Representative

1. The Department shall accept an application for licensure of a representative that provides evidence that:
 - a. The applicant has a thorough knowledge of all appropriate laws and this Chapter;
 - b. The applicant possesses the necessary training or experience regarding appropriate standards and testing equipment to service A SPECIFIC commercial device(s), VAPOR RECOVERY SYSTEM, OR

- VAPOR RECOVERY SYSTEM COMPONENT INDICATED ON THE APPLICATION; and
- c. The applicant will operate in accordance with appropriate laws and this Chapter.
 2. The Department may require an applicant to submit evidence or references concerning qualifications.
 3. The applicant shall pass a competency examination before being issued a license. THE APPLICANT OF A VAPOR RECOVERY REGISTERED SERVICE REPRESENTATIVE LICENSE SHALL ATTEND A TRAINING CLASS PROVIDED BY THE DEPARTMENT AND PASS A WRITTEN EXAMINATION BEFORE BEING ISSUED A LICENSE.
 4. The application forms for registered service representatives may require the following information:
 - a. Name, address, telephone, and facsimile numbers;
 - b. Previous and current license information from other states;
 - c. Types of devices serviced, repaired, or installed;
 - d. Experience with other agencies or states;
 - e. License and disciplinary history; and
 - f. Signature.
- C. The Department shall accept the certification of standards and testing equipment from any state that has standards traceable to NIST, unless the Department finds that a laboratory's standards or testing equipment are not traceable to NIST. THE DEPARTMENT SHALL ACCEPT MANUFACTURER CERTIFICATION OF AIR TO LIQUID RATIO ~~A/L~~ (A/L) TESTING EQUIPMENT UNLESS THE DEPARTMENT DETERMINES THE MANUFCAATURER'S CERTIFICAITON PROCESS TO BE UNACCEPTABLE.
- D. A REGISTERED SERVICE REPRESENTATIVE APPLICANT MUST PASS A WRITTEN VAPOR RECOVERY EXAMINATION, ADMINISTERED BY THE DEPARTMENT, BEFORE BEING ISSUED A LICENSE RENEWAL.
- E. AN APPLICANT MAY ONLY TAKE A VAPOR RECOVERY REGISTERED SERVICE REPRESENTATIVE TEST TWICE IN A 6 MONTH PERIOD.
- F. EXAMINATIONS SHALL BE CONDUCTED WITHIN A PRESCRIBED TIME PERIOD. EXAMINATIONS WILL BE COLLECTED AT THE END OF THE PRESCRIBED TIME PERIOD FOR SCORING REGARDLESS IF THE APPLICANT HAS COMPLETED THE EXAMINATION.

R20-2-602. Duties

- A. Registered Service Agency

1. A registered service agency shall maintain all equipment USED FOR THE CERTIFICATION OF COMMERCIAL DEVICES in accordance with standards traceable to NIST AND MAINTAIN AND USE EQUIPMENT FOR TESTING VAPOR RECOVERY SYSTEMS IN ACCORDANCE WITH MANUFACTURER REQUIREMENTS.
2. When using a "placed-in-service report", a registered service agency shall use a form prescribed by the Department.
 - a. A registered service agency shall fill out a placed-in-service report in triplicate.
 - b. Within 7 days after a device is restored to or placed-in-service, a registered service agency shall mail the original of the properly completed and signed placed-in-service report to the Department.
 - c. A registered service agency shall give a duplicate copy of the report to the owner or operator of the device.
 - d. A registered service agency shall retain a triplicate copy of the report.
 - e. A registered service agency shall assure that the placed-in-service report contains the assigned license number of the registered service representative who completed the report.
 - f. A registered service agency shall ensure that the placed-in-service report is completed and signed by the registered service representative noting each rejected device restored to service and each newly installed device placed-in-service.
 - g. A registered service agency shall ensure that the placed-in-service report includes the serial or identification number of each standard used by the representative to calibrate the device for each rejected device restored to service and for each newly installed device placed in service.
4. A registered service agency shall have all equipment USED FOR THE CERTIFICATION OF COMMERCIAL DEVICES AND A/L TESTING EQUIPMENT certified annually.
5. A registered service agency shall not use new equipment FOR THE CERTIFICATION OF COMMERCIAL DEVICES until it is certified by a NIST traceable laboratory.
6. A registered service agency shall report any newly acquired equipment or changes in certified equipment to the Department within 10 days of the acquisition or change.
7. A registered service agency shall ensure that no employees perform registered service representative duties before being licensed. THE USE OF AN APPRENTICE IS ALLOWABLE AS LONG AS THERE IS ON-SITE SUPERVISION BY A LICENSED REGISTERED SERVICE REPRESENTATIVE.
8. DEPARTMENT FORMS OR FORMS APPROVED BY THE DEPARTMENT SHALL BE USED TO RECORD TEST RESULTS OR VIOLATIONS. THE DEPARTMENT SHALL RECEIVE THE COMPLETED TEST FORM(S) WITHIN 7 DAYS AFTER THE COMPLETION OF A

COMPLIANT TEST. THE DEPARTMENT SHALL BE NOTIFIED BY PHONE OR FAX WITHIN 2 HOURS OF A NON-COMPLIANT TEST.

B. Registered Service Representative

1. A registered service representative shall use standards FOR THE CERTIFICATION OF COMMERCIAL DEVICES traceable to NIST.
2. A registered service representative who calibrates any metering device shall use a certified prover to run a 1-minute, uninterrupted, normal test draft, with the following capacity:
 - a. Wholesale devices - 50 gallons.
 - b. Retail motor fuel meters - 5 gallons.
3. A registered service representative shall also:
 - a. Install only commercial devices that meet the requirements of Article 2;
 - b. Report equipment or devices that do not conform to NIST standards to the user; and
 - c. Complete placed-in-service reports accurately.
4. ALL VAPOR RECOVERY TESTS MUST BE PERFORMED IN ACCORDANCE WITH ARTICLE 9 OF THIS CHAPTER.
5. PROCESS FOR NON-COMPLIANT SYSTEMS:
 - a. COMPLETE PAPERWORK SHOWING TYPE OF FAILURE AND NOTIFY THE DEPARTMENT OF FAILURE WITHIN 2 HOURS.
 - b. STATION MUST REMAIN OUT OF SERVICE UNTIL COMPLIANT.
 - c. REPAIRS CAN BE MADE BUT STATION MUST REMAIN OUT OF SERVICE UNTIL A RE-TEST IS CONDUCTED AND THE STATION IS DEEMED IN COMPLIANCE.
 - d. DEPARTMENT MAY WITNESS RE-TESTS.

R20-2-603. Grounds for Denying License or Renewal; Disciplinary Action; and Certification of Standards and Testing Equipment

- A. The Department shall not issue a license or renewal until an applicant pays all appropriate fees.
- B. Upon receipt and acceptance of all required documents, fees, and Department certification of standards, the Department shall issue the agency a license or renewal.
- C. The Department shall include on a license an assigned number, that remains effective until either withdrawn by the Department or until it expires. The Department shall issue a license with the agency's assigned license number to each registered service representative employed by the agency who has passed the competency examination.
- D. Neither a registered service agency nor a registered service representative shall transfer a license.
- E. A registered service agency shall submit the renewal fee for the agency license and the agency's representatives' licenses by the 1st day of the month that each license expires.

- F. The Department may deny a license or renewal for any of the following reasons:
1. Providing false or misleading information;
 2. Failure to meet annual certification requirements for standards or testing equipment;
 3. Failure to meet the requirements stated in this Article; or
 4. For any reason that would be grounds for suspension, revocation, or refusal to renew.
- G. The Department may suspend, revoke, or refuse to renew a license if:
1. The applicant is not qualified to perform those duties required
 2. THE APPLICANT ~~or~~ has been found to have violated any provision of A.R.S. Title 41, Chapter 15, or this Chapter.
 3. A LICENSEE HAS LEFT A VAPOR RECOVERY TESTING SITE WITHOUT NOTIFYING THE DEPARTMENT AND TAKING REQUIRED ACTION IF THE SYSTEM IS NOT FULLY OPERATIONAL AND COMPLIANT.
 4. A LICENSEE HAS USED VAPOR RECOVERY COMPONENTS NOT APPROVED BY CARB OR THE DEPARTMENT.
 5. HAS FAILED TO PROPERLY CONDUCT A VAPOR RECOVERY TEST.
- H. Every registered service agency and representative shall comply with the Department's metrology laboratory annual schedule for certification of field standards contained in A.R.S. § 41-2067(F) OR AN ANNUAL CERTIFICATION OF A/L VAPOR RECOVERY TEST EQUIPMENT BY THE MANUFACTURER.

R20-2-604. Prohibited Acts

- A. A person shall not:
1. Perform any duty or do any act required to be done by a registered service agency or representative without holding a registered service agent or representative license issued by the Department;
 2. Use the title of registered service agency or representative, any similar title, or hold oneself out as a registered service agency or representative without a valid license; or
 3. Remove an official out-of-service, warning, or unlicensed-device tag except as authorized in this Chapter, or by the Department.
 4. VIOLATE ANY PROVISION OF THIS CHAPTER OF TITLE 41, CHAPTER 15.
- B. A registered service agency or representative shall not:
1. Fraudulently complete or file a placed-in-service report OR ANY OTHER DOCUMENT REQUIRED BY THE DEPARTMENT AND THIS CHAPTER;
 2. Delegate authority or responsibility;
 3. Perform any function without certified equipment;

4. Install or place in service any commercial device, VAPOR RECOVERY SYSTEM OR COMPONENT before satisfying all of the statutory and rule requirements;
5. Leave any location where a device OR VAPOR RECOVERY SYSTEM was TAGGED AND THE DEVICE OR VAPOR RECOVERY SYSTEM CANNOT BE REPAIRED, ~~found not in compliance, without 4st REPLACING THE TAG, tagging the device with an out-of-service, warning, or unlicensed device tag~~ AND/OR NOTIFYING THE DEPARTMENT; OR
6. LEAVE ANY LOCATION WHERE A VAPOR RECOVERY SYSTEM FAILED TO MEET TEST REQUIREMENTS WITHOUT NOTIFYING THE DEPARTMENT, IN A MANNER PRESCRIBED BY THE DEPARTMENT AND WITHIN THE REQUIRED TIMEFRAME.

ARTICLE 9. GASOLINE VAPOR CONTROL

R20-2-901. Material Incorporated by Reference

The following documents are incorporated by reference, on file with the Secretary of State, and do not include any later amendments or editions:

1. Appendix J.5 of Technical Guidance -- Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline-dispensing Facilities, Vol. II: Appendices, November 1991 edition (EPA-450/3-91-022b), published by the U.S. Environmental Protection Agency, Office of Air Quality, Planning and Standards, Research Triangle Park, North Carolina 27711.
2. Arizona Department of Weights and Measures Vapor Recovery Test Procedure TP-WM-1, Determination of Vapor Piping Connections to Underground Gasoline Storage Tanks (Tie-Tank Test), April 1998, Arizona Department of Weights and Measures, ~~9545 E. Doubletree Ranch Road, Scottsdale, Arizona 85258.~~ 4425 WEST OLIVE AVE. GLENDALE, ARIZONA, 85302
3. The following CARB test procedures:
 - a. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.4, Determination of Dynamic Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, April 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
 - b. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.5, Determination (by Volume Meter) of Air to Liquid Volume Ratio of Vapor Recovery Systems of Dispensing Facilities, April 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
 - c. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.2C, Determination of Spillage of Phase II Vapor Recovery Systems of Dispensing Facilities, April 12,

1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.

- d. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.6, Determination of Liquid Removal of Phase II Vapor Recovery Systems of Dispensing Facilities, April 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
- e. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.2B, Determination of Flow Versus Pressure for Equipment in Phase II Vapor Recovery Systems of Dispensing Facilities, April 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.

R20-2-902. Exemptions

- A. The owner or operator of a site applying for an exemption shall demonstrate to the Department's satisfaction that there has not been a monthly throughput in excess of that specified in A.R.S. § 41-2132(C) for any month for the 2-year period before the date of the application for exemption.
- B. A candidate for independent small business marketer exemption shall derive at least 50% of annual income from the sale of gasoline at each gasoline-dispensing site that is being considered for this exemption. The Department shall determine the percentage of total annual income represented by the sale of gasoline on the basis of an owner or operator's state and federal gross income for income tax purposes. The following items are excluded from income computations:
 - 1. Purchase and sale of Diesel fuel, and
 - 2. State lottery sales net commissions and incentives.
- C. Motor raceways, motor vehicle proving grounds, and marine and aircraft fueling facilities are exempt from stage II vapor recovery requirements.

R20-2-903. Equipment and Installation

- A. The piping of both stage I and stage II vapor recovery systems shall be designed and constructed as certified by CARB for that specific vapor recovery system. An owner or operator shall not alter stage I and stage II vapor recovery systems and associated components from their CARB-certified configuration without obtaining Department approval under the Authority to Construct in R20-2-904.
- B. The fittings, assemblies, and components of both stage I and stage II vapor recovery systems shall be certified by CARB. If Department inspection or test data reveals a deficiency in fittings, assemblies, or components that cannot

be permanently corrected, the deficient fittings, assemblies, and components shall not be used in Arizona.

- C. Stage I spill containments may have plugged drains in place of drain valves if hand-operated pumps are kept on site for draining entrapped liquid. All Stage II vapor recovery systems shall have pressure/vacuum (P/V) values on top of the vent lines for gasoline storage tanks.

R20-2-904. Application Process for Authority to Construct

- A. Prior to the installation, replacement, modification, or initial operation of a stage I or stage II vapor recovery system, the owner or operator of the gasoline-dispensing site shall submit to the Department a complete application as defined in R20-2-108 for Authority to Construct with the following information:
 - 1. The name, address, and phone number of any owner, operator, and proposed contractor, if known;
 - 2. The name of the stage I or stage II system to be installed along with the specific CARB certification for that system;
 - 3. The street address of the site where construction or operation will take place with an estimated timetable for construction or commencement of the operation;
 - 4. A copy of a blueprint or scaled site plan for the vapor recovery system including all equipment and piping detail; and
 - 5. For non-attainment area stage II vapor recovery systems, an application fee.
- B. After review and determination that the plan is in compliance, the Department shall issue the Authority to Construct and mail the form in duplicate to the address indicated on the application.
 - 1. A copy of the Authority to Construct shall be posted at the facility during construction so that it is accessible for Department review.
 - 2. Construction of a stage II vapor recovery system or equipment at a site not having an approved Authority to Construct, shall be stopped and no further installation work shall be done until an Authority to Construct is approved, unless the Authority to Construct is approved within 7 days.
- C. The Department may deny Authority to Construct for any of the following reasons:
 - 1. Providing false or misleading information, or
 - 2. Failure to meet the requirements stated in this Article.
- D. If excavation is involved, the Department may visually inspect the stage II underground piping of gasoline-dispensing sites that have been issued an Authority to Construct, before the pipeline is buried, for compliance with submitted plans and conditions contained in the Authority to Construct. The

owner or operator of a gasoline-dispensing site shall give the Department at least 2 days' notice by facsimile of the time when underground piping will be complete. The Department may require the owner to excavate all piping not inspected before burial if the owner or operator has not given the required 2 days' prior notice.

- E. Upon completion of construction, a gasoline-dispensing site with a valid Authority to Construct may dispense gasoline for up to 90 days before final approval providing a final inspection has been scheduled in accordance with R20-2-905.
- F. An Authority to Construct expires 1 year from the date of issuance or the completion of construction, whichever is sooner.

R20-2-905. NEW OR REMODELED INITIAL SITE Inspection and Testing

- A. Within 10 days after beginning the dispensing of gasoline, the owner or operator shall provide the Department with a written certification of completion by the contractor and arrange scheduling of an inspection that shall include tests and acceptance criteria specified in the Authority to Construct. The inspection shall be at a time approved by the Department and include the following as they pertain to the specific vapor recovery system installed:
 - 1. A dynamic pressure performance test from each dispenser for each product grade to its associated underground storage tank;
 - 2. A pressure decay test procedure for each vapor control system including nozzles, underground storage tanks, and tank vents. This test shall be performed with caps removed from stage I fill and vapor risers. The Department may fail the pressure decay test at a gasoline-dispensing site if gasoline storage tanks have less than 10% or greater than 60% vapor space. The Department shall compute combined tank vapor space for manifolded systems;
 - 3. Determination of communication from dispenser to tanks for each product, using the Department's test procedure;
 - 4. Determination, by volume meter, of air to liquid volume ratio of vapor recovery systems, using CARB TP-201.5 or CARB-endorsed equivalent procedures to determine air to liquid (A/L) ratios;
 - 5. Test procedures, other than static pressure or pressure decay tests, that are part of the CARB certification for each specific system;
 - 6. Determination of spillage of Phase II vapor recovery systems, using the CARB TP-201.2C procedure;
 - 7. Determination of liquid removal of Phase II vapor recovery systems, using the CARB TP-201.6 procedure;
 - 8. Determination of flow vs. pressure for equipment in Phase II vapor recovery systems, using the CARB TP-201.2B procedure;
 - 9. Procedures specified by a manufacturer for testing its equipment; and

10. Tests required by the Department using Department-owned testing equipment to verify test results. If there is a difference between test results, Department test results shall be determinative.
- B. If an owner or / operator OR REGISTERED SERVICE AGENCY cancels an inspection test, the owner or /operator OR REGISTERED SERVICE AGENCY shall reschedule the inspection test to a date before the annual inspection date or the Department's scheduled deadline for corrective action, whichever applies. The Department may take enforcement action if an owner or /operator OR REGISTERED SERVICE AGENCY fails to timely reschedule the inspection test.
- C. IF A SITE FAILS ANY TEST REQUIRED BY THIS ARTICLE A RE-TEST FEE MUST BE SUBMITTED IF THE DEPARTMENT IS PRESENT TO WITNESS THE FAILURE. ONCE REPAIRS OR ADJUSTMENTS ARE MADE, ON A WITNESSED OR NON-WITNESSED TEST, THE DEPARTMENT MUST BE NOTIFIED, VIA TELEPHONE, TO SCHEDULE A RE-TEST. THE DEPARTMENT MAY WITNESS THE RE-TEST. ~~If the site fails to pass any of the tests required pursuant to this Article, the owner or operator shall make necessary repairs and adjustments in the time specified by the Department. The owner or operator shall also submit to the Department a reinspection fee and shall reschedule with the Department by mail or facsimile a time for repeat tests to be witnessed by the Department.~~
- D. ~~If the deficiencies are not corrected by a deadline set by the Department, the Department may issue a DWM-53. IF AFTER INSPECTION A WARNING TAG IS ISSUED, BECAUSE OF A DEFICIENCY, AND THE DEFICIENCY IS NOT CORRECTED WITHIN THE TIME SPECIFIED A DWM 53 MAY BE ISSUED.~~

R20-2-906. Fees

- A. The Authority to Construct plan review and approval fee is \$500.00.
- B. The reinspection fee is \$300.00, and shall be charged each time:
1. The site fails to pass any of the required tests AND A DEPARTMENT OFFICIAL IS PRESENT TO WITNESS THE FAILURE;
 2. ~~Testing personnel~~ THE CONTRACTED REGISTERED SERVICE REPRESENTATIVE ~~do~~ DOES not ~~show up~~ ARRIVE at the facility within 30 minutes after the scheduled time WHEN A DEPARTMENT OFFICIAL IS PRESENT;
 3. ~~Within 30 minutes of arrival at the scheduled facility, the~~ THE Department determines that the facility is not ready to test or cannot complete the test because of inadequate, or improperly installed or maintained equipment or inadequate vapor space in storage tanks; or

4. The ~~owner or operator's testing contractor~~ CONTRACTED REGISTERED SERVICE REPRESENTATIVE has not begun the stage II pressure decay test within 30 minutes of the beginning of the scheduled time and the Department OFFICIAL WHO IS PRESENT defers testing to another time.

R20-2-907. Operation

- A. The owner or operator of a gasoline-dispensing site with stage II vapor recovery shall not transfer or permit the transfer of gasoline into any motor vehicle fuel tank unless stage II vapor recovery equipment is installed, maintained, operating, and being used according to the requirements of A.R.S. Title 41, Chapter 15, Article 7, and this Article.
- B. The owner or operator shall operate a stage II vapor recovery system and associated components in compliance with the CARB certification for that system and these rules.
- C. The owner or operator of a gasoline-dispensing site with stage II vapor recovery shall inspect the system and its components daily. Daily inspections shall include all nozzles, hoses with connecting hardware, Stage I fittings, and spill containment.
- D. The owner or operator shall immediately stop using a Stage II vapor recovery system or component if 1 or more of the following system or component defects occur:
1. A faceplate or facecone of a balance system nozzle does not make a good seal with a vehicle fill tube, or the accumulated damage to the faceplate or facecone is 1/4 or more of its circumference. These conditions also apply to a vacuum assist system that has a nozzle with a bellows and faceplate that seal with a vehicle fill pipe;
 2. When more than 1/4 of the cone is missing for vapor assist systems having bellowless nozzles with flexible vapor deflecting cones;
 3. A nozzle bellows has a triangular tear measuring 1/2 inch or more to a side, a hole measuring 1/2 inch or more in diameter, or a slit or tear measuring 1 inch or more in length;
 4. A nozzle bellows is loosely attached to the nozzle body, attached by means other than that approved by the manufacturer, or a vapor check valve is frozen in the open position due to impaired motion of the bellows;
 5. Any nozzle liquid shut-off mechanism malfunctions in any manner, the spring or latching knurl for holding the nozzle in place during vehicle fueling is damaged or missing, or a nozzle is without a functioning hold-open latch;
 6. Any nozzle with a defective vapor check valve, or hose having a disengaged breakaway, when all other nozzles are capable of delivering the same grade of fuel from the same turbine pump;

7. Any vacuum assist nozzle having less than the acceptable number of open vapor collection holes specified by CARB for the particular model of nozzle in service, the nozzle spout rocks or rotates more than 1/8 inch, the spout shows heavy wear with the tip damaged in a way that the largest axis exceeds .84 inch, or the plastic insert in the tip of the spout is loose;
8. Any nozzle with a dispensing rate greater than 10 gallons per minute when only 1 nozzle associated with the product supply pump is operating, or a flow restrictor is improperly installed, leaking, or non-CARB approved;
9. Any nozzle with a physically damaged breakaway or a breakaway showing evidence of product leakage, or a breakaway not approved for the installed system;
10. A dispenser mounted vacuum pump that is not functioning;
11. Any vapor recovery hose and, as applicable, the accompanying whip hose, that:
 - a. Is crimped, kinked, flattened, or damaged in any manner that constricts the return flow of vapor;
 - b. For a balance hose, has any slits or tears greater than 1/4 inch in length, perforations greater than 1/8 inch in diameter, or assist system hoses that are cut, torn, or badly worn so as to cause a possible fuel leak;
 - c. Does not fully retract, for approved dispenser configurations using hose retractors, or a balance system hose that exceeds the 10-inch loop requirement where required, or for a hose length that allows a balance hose to touch the ground, or for a vacuum assist hose having more than 6 inches in contact with the ground;
 - d. Does not swivel at the hose/nozzle connection; or
 - e. Does not have a required internal liquid pick-up or the hose with liquid pick-up is improperly assembled for the pick-up to properly function;
12. Tank vent pipes that are not the proper height, or are not properly capped with approved pressure and vacuum vent valve settings, or where required, vent pipes that do not meet the CARB-specified paint color code for the installed system;
13. The Stage I installation is not properly installed or maintained, in that:
 - a. Spill containment buckets are cracked, rusted, the sidewalls are not attached or otherwise improperly installed, or spill containment buckets are not clean and empty of liquid, or there are non-functioning drain valves, or drain valves that do not seal;
 - b. A fill adaptor collar or vapor poppet (drybreak) that is loose or damaged, or with a fill or vapor cap that is not installed, is missing, broken, or without gaskets;
 - c. Coaxial Stage I that is not equipped with a functioning CARB-approved poppeted fill tube, or the coaxial cap is not installed, is missing, broken, or without gaskets; or
 - d. A fill tube is missing, not sealed, has holes, broken or damaged overfill preventors, or if the high point of the bottom opening is more than 6 inches above the tank bottom;

14. The tank rise cap with instrument lead wire for an electronic monitoring system is not tightly installed, or any other tank riser is not securely sealed and capped;
 15. The under-dispenser vapor recovery piping is not securely intact or is crimped, does not slope to the underground vapor pipe riser, hoses used for connection are deteriorated or not approved for use with gasoline, resettable impact type shear valves are closed, or there is any other valve or restriction to impede the vapor path;
 16. An aboveground storage tank that does not display a permanently attached UL approval plaque;
 17. A vacuum assist system with an inoperative central vacuum unit;
 18. A vacuum assist system with an inoperative vapor-processing (burner) unit;
 19. A vacuum assist system with a monitoring system certified by CARB or the Authority to Construct that is not operational or malfunctions; or
 20. Any other component identified in the diagrams, exhibits, attachments or other documents that are certified by CARB or required by the Authority to Construct for that system is missing, disconnected, or malfunctioning.
- E. The owner or operator shall also inspect for the presence and proper placement of public information signs required by A.R.S. § 41-2132(F) and this Article.
- F. For a stage II vacuum-assist vapor recovery system, the owner or operator shall immediately place damaged or malfunctioning equipment out of service and shall notify the Department by facsimile no more than 1 day after the malfunction of a central vacuum or processor unit. Once the equipment or system is repaired, the owner or operator shall provide written notice within 5 days of the repair to the Department.
- G. Proper operation of the stage I system, pursuant to A.R.S. 41-2132(D)(4), shall include the requirement to recover vapors during pump-out from a gasoline storage tank to a mobile transporter.
- H. Any underground tank tightness test shall be conducted in a manner so that gasoline vapors are not emitted to the atmosphere.

R20-2-908. Training and Public Education

- A. Each operator of a gasoline-dispensing site using stage II vapor recovery shall obtain adequate training and written instructions to enable the system to be properly installed, operated and maintained in accordance with the manufacturer's specifications and CARB certification. The operator shall maintain documentation of this training for each operator on-site and documentation to the Department on request.

- B. In addition to the information required in A.R.S. § 41-2132(F), an operator of a gasoline-dispensing site with stage II vapor recovery shall display a Department telephone number that the public can call to report nozzle or other equipment problems. The operator shall place the required information on each face of each gasoline dispenser. The headings shall be at least 3/8 inches and shall be readable from up to 3 feet away for decal signs, and from up to 6 feet away for permanent (non-decal) signs. Decals shall be located on the upper 60% of each face of the dispenser.

R20-2-909. Record Keeping and Reporting

- A. The owner or operator of a gasoline-dispensing site employing stage II vapor recovery shall maintain daily records of the inspections done pursuant to this Article.
- B. The owner or operator of a gasoline-dispensing site employing stage II vapor recovery shall maintain a log and related records of all regularly scheduled maintenance and any repairs that have been made to stage II equipment.
- C. The owner or operator of a gasoline-dispensing site that is exempt from requirements to install and operate stage II vapor recovery equipment, pursuant to A.R.S. § 41-2132(C), shall maintain a log at the site showing monthly throughputs. The owner or operator shall annually submit a copy of these logs representing the previous 12 months throughputs to the Department. If any throughput requirement provided in A.R.S. § 41-2132(C) and this Article is exceeded for any month, the owner or operator shall notify the Department in writing within 30 days. The owner or operator shall within 6 months after the end of the month the throughput is exceeded, install and operate a stage II vapor recovery system conforming to this Article.
- D. An owner or operator shall keep all records required by this Article at the gasoline-dispensing site for at least 1 year and shall make these records available to the Department upon request.

R20-2-910. Annual Tests

- A. The stage I and stage II tests required by A.R.S. § 41-2065(15) are described in this Article. The owner or operator shall arrange these tests annually, with Department approval, to be completed by A LICENSED REGISTERED SERVICE AGENCY, PRIOR TO the annual test date. The annual test date is established on the date of the last annual test or a later date approved by the Department. THE REGISTERED SERVICE AGENCY MUST INFORM THE DEPARTMENT 5 WORKING DAYS IN ADVANCE OF THE TIME, DATE AND LOCATION OF THE TEST. TESTS SHALL NOT BE PERFORMED UNLESS THE DEPARTMENT HAS GRANTED APPROVAL FOR THE

TESTING TIME. The annual test ~~shall~~ MAY be performed in the presence of a witness from the Department.

- B. If the site fails to pass any of the tests required by subsection (A), THE GASOLINE DISPENSING AND VAPOR RECOVERY SYSTEMS WILL REMAIN OUT OF SERVICE UNTIL ~~the owner or operator shall make any necessary repairs or adjustments ARE MADE AND THE VAPOR RECOVERY SYSTEM PASSES THE REQUIRED TESTS. The owner or operator shall submit the appropriate reinspection fee and reschedule with the Department by phone or facsimile a time for repeat tests to be conducted so that they may again be witnessed by the Department.~~
- C. If an owner or operator's testing contractor has not begun the annual stage II pressure decay test within 30 minutes of the scheduled start time, the Department may defer testing to another time IF WITNESSING THE TEST.
- D. ONCE A TEST HAS BEGUN, NO REPAIRS CAN BE MADE UNTIL THE OFFICIAL TEST RESULTS ARE RECORDED.
- E. ALL TESTS MUST BE PERFORMED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 9 AND ANY OTHER FORMAL VAPOR RECOVERY PROCEDURES ISSUED TO THE REGISTERED SERVICE AGENCIES BY THE DEPARTMENT.

R20-2-911. Compliance Inspections

In addition to the annual test, the Department shall conduct a compliance inspection of Stage I and Stage II vapor recovery installations at least annually. Compliance inspections shall be unannounced. If results of the compliance inspection reveal violations of A.R.S. Title 41, Chapter 15 or this Article, the Department may require the owner or operator to schedule a specific test as required in R20-2-910.

R20-2-912. Enforcement

- A. ~~If the Department finds that~~ stage II vapor recovery equipment at a gasoline-dispensing site is defective or otherwise in violation of 1 or more of the provisions of this Article or A.R.S. Title 41, Chapter 15, the Department shall issue to the owner or operator a DWM-53. The order shall extend to all equipment at the site that has reduced vapor recovery performance due to a violation.
- B. A tag that is the subject of the order shall ~~then~~ be affixed to the equipment in public view. The owner or operator may be required to demonstrate that a Stage II vapor recovery system meets the 95% effective level by conducting 1

or more of the tests specified in this Article before the equipment may be placed-in-service.

- B. C. The owner or operator of a gasoline-dispensing site that has been issued a DWM-53 pursuant to subsection (A) may request an informal review of the order by making a request in writing to the Department within 10 days of the order. Notice of the time and place of the informal review shall be mailed to the owner or operator at least 5 days prior to the informal review. Disposition of the informal review shall be mailed to the owner or operator within 5 days after conclusion of the informal review. Unless the order is vacated by the Department, or the equipment is reauthorized for use by the Department, the DWM-53 shall remain in effect during these proceedings.
- ~~C.~~ D. The Department may impose civil penalties for stage I and stage II violations pursuant to A.R.S. § 41-2115.